



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,327	06/01/2005	Douglas Rawson-Harris	P/4732-2	9145

2352 7590 04/17/2007
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

FIGUEROA, ADRIANA

ART UNIT	PAPER NUMBER
----------	--------------

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/532,327	Applicant(s) RAWSON-HARRIS, DOUGLAS	
	Examiner Adriana Figueroa	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show: reference numeral 26 as described in the specification in page 7, line 2, instead reference numeral 26 appears in Figure 13; the internal tracks or grooves 103 as described in the specification in page 5, line 18; the security screws 108 as described in the specification in page 5, line 24;

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top

Art Unit: 3637

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "ridge disposed on said lid" as claimed in claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

In page 7, lines 23, 24, 25, discloses "pit lid 26" there is another element described with the same reference number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 7-9 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US 6,550,731).

Regarding claim 1, Kim discloses at least one tubular column (10) having at least two longitudinally extending external tracks (2) integrally disposed therein, each of said external tracks having an internal groove (g) adjacent thereto, and at least one of said items is an arm (30) fixedly engaged with at least one of said internal grooves to prevent the rotation thereof relative to said tubular column (10), (annotated Figure 3).

Regarding claim 3, Kim discloses a reinforcing sleeve (7) is internally fitted along at least a portion of said tubular column (10), (Figures 2, 3).

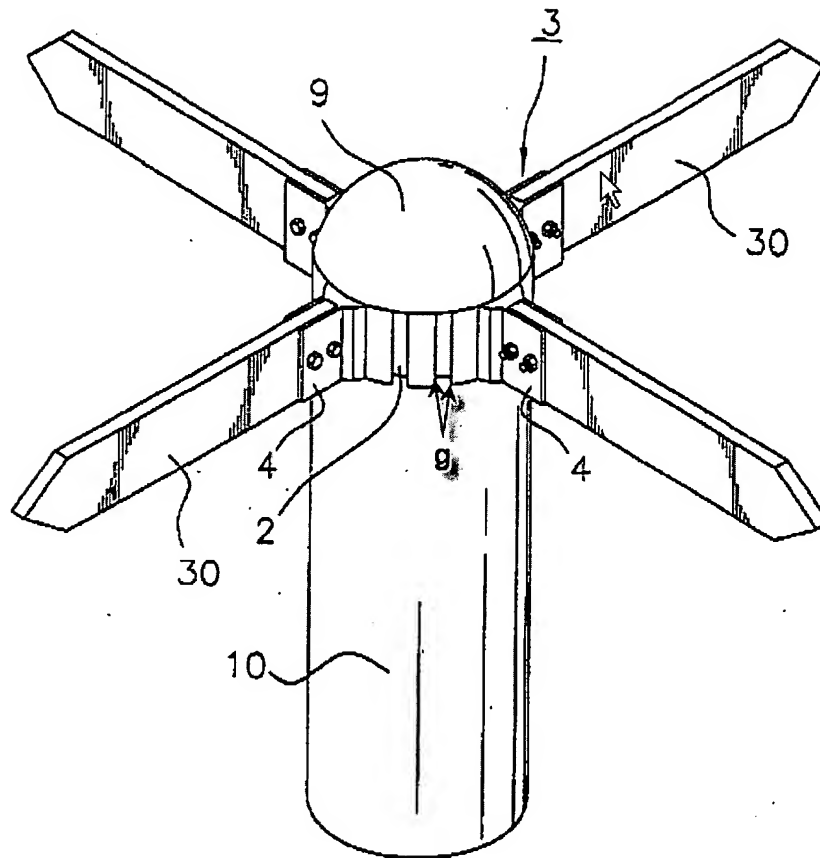
Regarding claim 7, Kim discloses a deformable clamp block (3) is adapted to interconnect said at least one item (30) to said column (10) and said deformable clamp block engages with at least one of said external tracks (2) of said column, (Figures 2, 3).

Regarding claim 8, Kim discloses said deformable clamp block (3) is adapted to be relatively movable with respect to said column (10) to allow an angular adjustment of said at least one item (30) relative to the longitudinal axis of said column, (Figures 2, 3).

Regarding claim 9, Kim discloses said pole assembly further comprises a ventilated pole cap (9), (Figure 3).

Regarding claim 16, Kim discloses said at least one item (30) is a sign, (Figure 3), (Column 2, Lines 48-49). Kim does not disclose a streetlight, traffic signal, pedestrian signal, security camera or banner. However, Kim's sign is considered to be an obvious variation of a streetlight, traffic signal, pedestrian signal, security camera or banner and vice-versa.

FIG. 3



Kim (US 6,550,731)

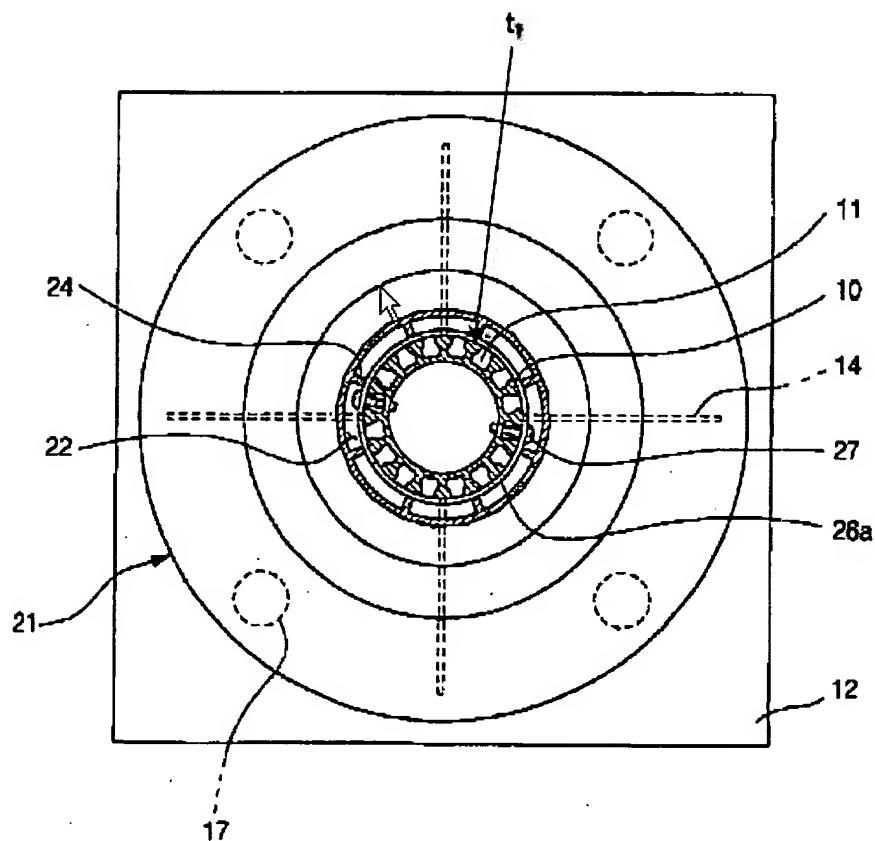
6. In addition, claims 1, 2, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US 6,898,882).

Regarding claim 1, Kim discloses at least one tubular column (10) having at least two longitudinally extending external tracks (t) integrally disposed therein, each of said external tracks having an internal groove (11) adjacent thereto, and at least one of said items is an arm (30) fixedly engaged with at least one of said internal grooves to prevent the rotation thereof relative to said tubular column (10), (Figure 1, annotated Figure 4).

Regarding claim 2, Kim discloses said arm (30) passes through the interior of said tubular column (10), (Figure 10).

Regarding claim 6, Kim discloses at least one fluted cladding member (20) is secured to said column (10) by at least two circular collars (21, 25), (Figure 5).

FIG. 4



Kim (US 6,898,882)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Kim (US 6,898,882).

Regarding claim 1, McClasky discloses at least one tubular column (12L) having at least two longitudinally extending external tracks (62) integrally disposed therein, each of said external tracks having an internal groove (g) adjacent thereto, (Figures 1, annotated Figure 4). McClasky does not disclose an arm fixedly engaged with at least one of said internal grooves to prevent the rotation thereof relative to said tubular column. However, Kim teaches an arm (30) fixedly engaged with at least one of said internal grooves (11), (Figures 1, 4). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky to include an arm as taught by Kim in order to provide a signboard.

Regarding claim 4, McClasky modified by Kim discloses a tubular section (12L') telescopically extending from said column (12L), (Figures 1, 5). McClasky does not disclose the tubular section being round. However, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have a round tubular section since such a modification would have involved a

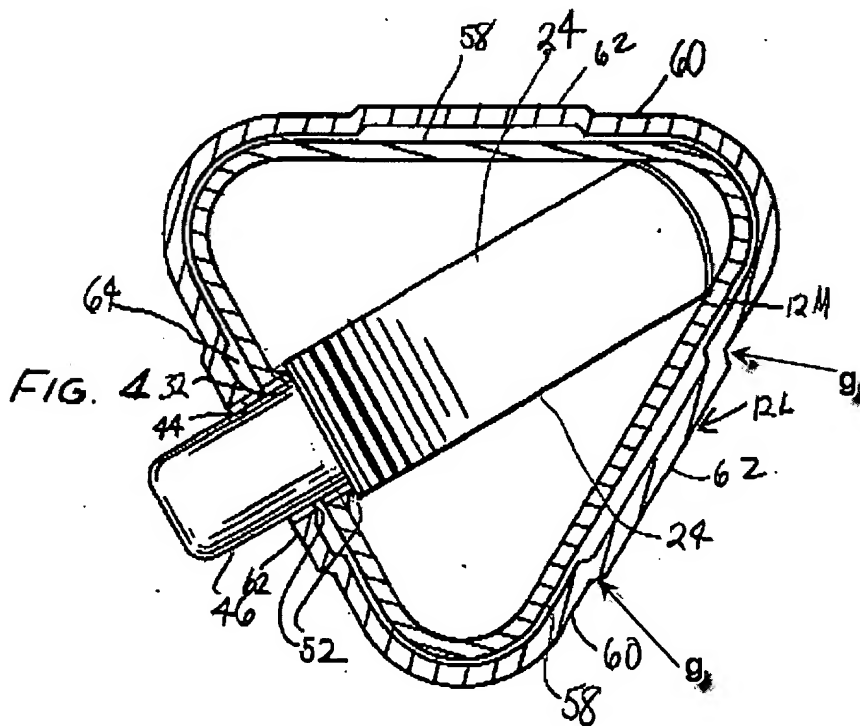
Art Unit: 3637

mere change in the shape of the component. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

Regarding claim 5, McClasky modified by Kim discloses a round tubular section (12L') has at least one internal track (62'), (Figure 5). McClasky does not disclose the tubular section being round.

Regarding claim 10, McClasky modified by Kim discloses a round tubular section (12U) projecting from the upper end of said column (2L), (Figure 5).

Regarding claim 11, McClasky modified by Kim discloses said round tubular section (12L') projecting from the lower end of said column (2L), (Figure 5).



McClasky (US 6,343,568)

Art Unit: 3637

8. In addition, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Kim (US 6,898,882) and further in view of Krieger (US 6,021,614). McClasky modified by Kim discloses a pole assembly (10) having a cap, (Figure 12), but does not disclose a ventilated pole cap. However, Krieger teaches a ventilated cap (16), (Figure 1). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Kim to have a ventilated cap as taught by Krieger in order to provide an air gap between the top of the pole and the cap.

9. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Kim (US 6,898,882) and further in view of Kimball (US 3,343,322).

Regarding claims 12 and 13, McClasky modified by Kim discloses as discussed above, but does not disclose said round tubular section is connected to a base member that is fully mounted within a drainage pit. However, Kimball teaches a round tubular section (I) that is connected to a base member (J), and is fully mounted within a drainage pit (A), (Figures 5, 6). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Kim to have a base member that is fully mounted within a drainage pit as taught by Kimball in order to provide a strong support to the pole and to allow the egress of water and moisture that may accumulate around the pole.

Art Unit: 3637

10. In addition, claims 12- 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Kim (US 6,898,882) and further in view of Lurkis (US 3,343,322).

Regarding claims 12 and 13, McClasky modified by Kim discloses as discussed above, but does not disclose said round tubular section is connected to a base member that is fully mounted within a drainage pit. However, Lurkis teaches a round tubular section (13) that is connected to a base member (21, 22), and is fully mounted within a drainage pit (10), (Figure 2). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Kim to have a base member that is fully mounted within a drainage pit as taught by Lurkis in order to provide an easy to assemble support for the pole.

Regarding claim 14, McClasky modified by Kim and Lurkis discloses as discussed above, Lurkis also teaches said pit (10) is covered by a lid (14) and at least two jacking screws (31) are located in said drainage pit, (Figures 1, 2). The phrase "for adjustment of the height of said lid relative to surrounding ground level" is considered intended use and is given no patentable weight.

Regarding claim 15, McClasky modified by Kim and Lurkis discloses as discussed above; Kim also teaches at least one fluted cladding member (20) that is secured to said column (10) by at least an upper circular collar (25) and a lower circular collar (21), (Figures 2, 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole

Art Unit: 3637

assembly of McClasky to include a fluted cladding member as taught by Kim in order to provide a cover that would protect the post from damage due to collision with automobiles.

McClasky modified by Kim and Lurkis discloses as discussed above; Lurkis also discloses a ridge (20) disposed on said lid (14), (Figure 1). The modified pole assembly of McClasky, Kim and Lurkis would have the bottom of said lower circular collar seated on a ridge (20) disposed on said lid (14).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koch (US 2002/0050112) teaches a telescopic column having an external track; Gebelius (US 4,617,768) teaches a pole assembly connected to a base member and mounted within a drainage pit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AF/~~AF~~
04/14/2007

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

